

5. 2011SP-009-003

BL2014-704 \ LANGSTER

ONE C1TY (AMENDMENT # 1)

Map 092-14, Parcel(s) 039, 079, 083-085, 095, P/O 094

Council District 21 (Edith Taylor Langster)

Staff Reviewer: Jason Swaggart

A request to amend the ONE C1TY Specific Plan district approved for a mixed-use development for properties located at 329, 330, 331, and 336 28th Avenue North, 28th Avenue North (unnumbered) and 3001 Charlotte Avenue, southwest of the intersection of 28th Avenue and Charlotte Avenue (18.73 Acres), to permit temporary improvements, permit additional uses not currently permitted and increase the maximum building height, requested by Civil Site Design Group PLLC, applicant; Nashcam, L.P., owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

SP amendment to permit temporary improvements, additional uses and additional building height.

Preliminary SP

A request to amend the ONE C1TY Specific Plan district approved for a mixed-use development for properties located at 329, 330, 331 and 336 28th Avenue North, 28th Avenue North (unnumbered) and 3001 Charlotte Avenue, southwest of the intersection of 28th Avenue and Charlotte Avenue (18.73 Acres), to permit temporary improvements, permit additional uses not currently permitted and increase the maximum building height.

Existing Zoning

Specific Plan-Mixed Use (SP-MU) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan.

CRITICAL PLANNING GOALS

N/A

GREEN HILLS-MIDTOWN COMMUNITY PLAN

Urban Mixed-Use Neighborhood (T5 MU) policy is intended to preserve and enhance urban mixed use neighborhoods that are characterized by a development pattern that contains a diverse mix of residential and non-residential land uses, and that are envisioned to remain or develop in a mixed use pattern. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include the County's major employment centers, representing several sectors of the economy including health care, finance, retail, the music industry, and lodging.

Consistent with Policy?

Yes. The proposed amendment permits two additional uses and permits temporary improvements that are intended to generate excitement about the overall project during its development stage. The amendment will also increase the overall maximum height from 12 stories to 15 stories. The plan will continue to permit an intense mixture of uses including office, retail, restaurants as well as residential. The amendment also does not alter the existing design guidelines that are intended to create a walkable urban development that meets the design intent of the policy.

PLAN DETAILS

The ONE C1TY Specific Plan was approved by Metro Council on May 20, 2011. It is located near the intersection of Charlotte Pike and the new 28th Avenue Connector. Prior to the SP being adopted, the site was zoned for office/residential (ORI) and industrial (IR). Most of the structures on the site have been demolished. A final site plan for an office building (phase 1) has been approved and site development has commenced.

The primary intent of the proposed amendment is to permit temporary improvements and additional uses on a portion of the site along Charlotte Avenue. The site consists of a large building pad from a structure that was previously demolished. Permitted improvements would include driveways, hardscape, parking, utilities, structures and landscaping. These improvements could remain until the development envisioned by the original plan is constructed. The additional uses- commercial amusement, inside and outside- are included to implement the proposed temporary improvements to generate activity on the site prior to the construction of the final proposed development. The plan also calls for the maximum building height to be increased from 12 stories to 15 stories.

FIRE MARSHAL'S OFFICE

N/A

PUBLIC WORKS RECOMMENDATION

Approve with conditions

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

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2. Revise layout to include the previously approved road network. Remove the angled parking, indicate correct laneage, etc. The road network that is shown is not the road network that was approved with the Final SP for Phase 1 and the associated construction drawings.
3. Prior to use and occupancy of the temporary container buildings, all previously SP conditioned vehicular and pedestrian infrastructure improvements shall be constructed in accordance with approved construction plans.
4. A focused TIS may be required if increased building height results in increased SP square footage.

STORMWATER RECOMMENDATION

Ignore

WATER SERVICES

Approved

STAFF RECOMMENDATION

Approve with conditions and disapprove without all staff conditions

CONDITIONS

1. Requirements specified in BL2011-891 not specifically being amended under this application shall remain in effect.

Mr. Gee recused himself from Item 5 but remained present for the public hearing and commission discussion.

Tom White spoke in favor of the application, noted that Council Lady Langster is totally supportive of this project, and clarified that it is consistent with policy. He noted that viewshed is a doctrine that cannot be practically applied or used against his client.

Ryan Doyle, ONEC1TY project manager, spoke in favor of the application and expressed interest in continuing the momentum of the Charlotte corridor.

Troy Heithcock, 3300 Nevada Avenue, spoke in opposition to the application due to concerns with decreased property values and loss of his current view. He noted that the taller buildings should be kept closer to Charlotte.

Michael Beecham, 3302 Nevada Avenue, spoke in opposition to the application due to decreased property values and current view loss.

Ted Pins, 3300 Nevada Avenue, spoke in opposition to the application due to decreased property values and view loss.

Jay McDaniel, 296 33rd Avenue N, spoke in opposition to the application and requested that taller buildings be kept closer to Charlotte.

Tom White clarified that there is a current 12-story matter of right in this area with 15-story rights in many of the surrounding areas.

Vice Chair Clifton closed the Public Hearing.

Mr. Adkins inquired if there is a specific right to a viewshed.

Mr. Bernhardt clarified that while there are communities that have regulated viewsheds, he is not aware of a generic right to a viewshed.

Mr. Ponder spoke in favor of the application and noted that there isn't much difference between 12 stories and 15 stories.

Councilmember Hunt stated that the homes in Nevada Heights seem to be 75-100' higher than I-440 and doesn't see an issue whether it is 12 stories or 15 stories.

Mr. Bernhardt clarified that staff has not seen a viewshed analysis so they cannot speak to whether or not, or to what degree, either 12 or 15 stories will impact the view.

Ms. LeQuire noted that even if this is approved today, there will still be time for the neighbors and the developer to meet.

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Ms. LeQuire moved and Mr. Adkins seconded the motion to approve with conditions and disapprove without all conditions. (5-0-1) Mr. Gee recused himself.

Resolution No. RS2014-82

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-009-003 is Approved with conditions and disapproved without all conditions. (5-0-1)

CONDITIONS

1. Requirements specified in BL2011-891 not specifically being amended under this application shall remain in effect.
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